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DEC 06 2006

OFFICE OF PETITIONS

In re Application of :
Benjamin D. Pless, et al. :
Application No. 10/625,829 : ON PETITION
Filed: July 22, 2003 :
Docket No. N09-03 :
:

This is a decision on the petition filed May 16, 2006, under 37 CFR 1.137(b) to revive the above-identified application for copendency with a continuing application.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Mika Mayer appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. However, if Mr. Mayer desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. A courtesy copy of this decision is being mailed to petitioner. Nevertheless, all future correspondence regarding this application file will be directed solely to the address of record.

The petition is **GRANTED**.

This application became abandoned for a failure to respond to a non-final Office action mailed May 26, 2004. A Notice of Abandonment was subsequently mailed on February 8, 2005.

The application is being revived solely for purposes of continuity with Application No. 11/436,189 filed May 16, 2006. As continuity has been established by this decision reviving the above-identified application, the application is again abandoned in favor of continuing application No. 11/436,189.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the \$1,020 extension of time fee submitted with the petition is being refunded to petitioner's deposit account as authorized.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3204.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: MORRISON & FOERSTER LLP
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